

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 29, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. The meeting was recessed by Mayor Murphy at 10:57 a.m. to convene the Redevelopment Agency and thereafter a break. Mayor Murphy reconvened the meeting at 11:05 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:00 p.m. for the noon break to be reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:06 p.m. Council Member Zucchet introduced and welcomed to the meeting his wife, Teresa Zucchet. Council Member Zucchet announced that they are expecting their first child in two weeks. Mayor Murphy recessed the meeting at 3:00 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:11 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:06 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:17 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:38 p.m. into Closed Session immediately following the meeting in the twelfth floor conference room to discuss existing and anticipated litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (er/gS)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented regarding the cross on Mt. Helix and the separation of Church and State.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. - 10:14 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented regarding the removal of the cross on Mt. Soledad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:16 a.m.)

PUBLIC COMMENT-3:

Andrea Geller, Marie Bell, and Joe Flynn commented on the City of San Diego Employees' Retirement Trust Fund.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:20 a.m.)

PUBLIC COMMENT-4:

Bill Bailey commented regarding the collaboration for the Balboa Theatre.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. - 10:20 a.m.)

PUBLIC COMMENT-5:

Bill Bradshaw commented regarding the City's finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:20 a.m. - 10:23 a.m.)

PUBLIC COMMENT-6:

Jarvis Ross commented on historical preservation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. - 10:26 a.m.)

PUBLIC COMMENT-7:

Mel Shapiro requested that the Council fill the vacant position on the Ethics Commission which was created when Lisa Foster resigned approximately four months ago.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:28 a.m.)

PUBLIC COMMENT-8:

Frank Eves commented regarding the persecution of Falun Gong practitioners in San Diego's sister city Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m. - 10:31 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye announced that the Best Fest San Diego Student Film Festival was held this past weekend and the topic was "Slow Down on the Streets that We Live in." The award winners were introduced and their films were shown.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:31 a.m. - 10:44 a.m.)

COUNCIL COMMENT-2:

Mayor Murphy thanked the film festival winners for presenting their films and announced that funeral services for Police Officer Gerald Griffin will be held Thursday, May 1st at 11:00 a.m. at the First United Methodist Church, 2111 Camino Del Rio So., San Diego. Officer Griffin was killed in the line of duty by a motorist he was attempting to stop.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:45 a.m.)

COUNCIL COMMENT-3:

Council Member Inzunza recognized and welcomed a political science class from Southwestern College attending the Council meeting and visiting the City's offices.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:45 a.m. - 10:46 a.m.)

COUNCIL COMMENT-4:

Council Member Lewis acknowledged the work done by the organization "Rebuilding Together" or "Christmas in April." Mr. Lewis thanked them for their work to help low-income people.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:48 a.m.)

COUNCIL COMMENT-5:

Council Member Atkins also thanked “Rebuilding Together” or “Christmas in April” for their work in City Heights. Ms. Atkins thanked all the volunteers that were out this past weekend helping in their communities.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:48 a.m. - 10:51 a.m.)

COUNCIL COMMENT-6:

Council Member Peters announced that the annual Fiesta de Los Penasquitos will be held Sunday on Black Mountain Road. Mr. Peters also announced that the Department of Environmental Health will be offering training in water quality issues to all municipal, state, or other lifeguard agencies that staff lifeguards at beaches in San Diego County.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:52 a.m.)

COUNCIL COMMENT-7:

Council Member Zucchet announced that the 20th annual Cinco de Mayo celebration will be held next weekend in Old Town and encouraged people to spend the weekend in Old Town.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:52 a.m. - 10:53 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Gwinn thanked Council Member Frye for including him in the Linda Vista Multi-Cultural Fair this past weekend. Mr. Gwinn also attended the Navajo Community Fair in Allied Gardens. Mr. Gwinn announced that San Diego was host to over 1,000 people from various countries who attended an International Domestic Violence, Sexual Assault, and Stocking conference. Hundreds of people toured the San Diego Justice Center.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:57 a.m.)

ITEM-330: 1431-1463 J Street Buildings.

Matter of the appeal by Rainey Tharpe from the decision of the Historical Resources Board to designate the J Street Properties as a City of San Diego Historical Resource Site.

(See City Manager's Report CMR-03-073. Centre City Community Plan area (East Village). District-2.)

TODAY'S ACTION IS:

(R-2003-) DENIED APPEAL AS AMENDED, ADOPTED AS
RESOLUTION R-297910

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board.

CITY MANAGER'S RECOMMENDATION:

Deny the appeal and uphold the decision of the Historical Resources Board to designate the 1431-1463 J Street Properties as a Historical Resource Site as follows:

1. The sites at 1431-1463 J Street as significant historical resources under CRITERION A (Community History, Archaeology); and

2. The buildings at 1431-1433, 1435-1437 and 1463 J Street as significant historical resources under CRITERION C (Architecture).

OTHER RECOMMENDATIONS:

Historical Resources Board voted 9-1 on December 20, 2002 to approve; was opposition.

Ayes : Christenson, Ahern, Burnett, Delawie, Edwards, Malone, McNeely, Sherr, Ulloa.

Nays: Schwartz

Abstention: Marshall

CITY MANAGER SUPPORTING INFORMATION:

This item is before the City Council as an appeal of the Historical Resources Board decision of December 20, 2002, to designate the J Street Properties as a City of San Diego Historical Resource Site. Rainey Tharpe, one of the owners of the site, submitted the appeal on January 7, 2003. The property is located on three lots at 1431-1463 J Street in Centre City-East Village, Council District 2. The site is developed with five buildings on two of the lots while the intervening third lot is now vacant (the former structure on the site was demolished in 1997).

Ewell/Goldberg/TD

FILE LOCATION: LUP - 1431-1463 J Street Buildings 04/29/03 (65)

COUNCIL ACTION: (Time duration: 11:05 a.m. - 12:00 p.m.; 2:07 p.m. - 2:48 p.m.)

Testimony in opposition by Lynn Heidel, Rainey Tharpe, Menique Tharpe, Chenee Tharpe, Asher Tharpe, Lakiva Hewitt, Kathleen Harmon, Ken Sauder, Ricky Laster, and Robert Sinclair.

Testimony in favor by Laura Burnett, Bruce Coons, Karen Huff, Maxine Sherard, Parnell Lovelace, Kim Clark, Frank Clark, Dorey Martinka, Gerald Morris, Sandy Johns, and Jarvis Ross.

MOTION BY LEWIS TO DENY THE APPEAL AND UPHOLD THE DECISION OF THE HISTORICAL RESOURCES BOARD TO DESIGNATE THE 1431-1463 J STREET PROPERTIES AS A HISTORICAL RESOURCE SITE UNDER CRITERION A (COMMUNITY HISTORY, ARCHAEOLOGY). Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Amendments to Pedicab Regulation Ordinance.

(See City Manager Reports CMR-02-142 and CMR-03-076 (this report was not available at Committee); letters from Steve Galasso dated 6/26/2002; letters from Mike Lewis dated 6/22/2002 and 3/7/2002; letters from Fred Baranowski dated 6/21/2002 and 2/25/2002; letter from Steve Bimson dated 3/7/2002; letter from Salvatore Giametta dated 2/27/2002.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-148) INTRODUCED, TO BE ADOPTED ON MONDAY,
MAY 20, 2003

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 8, Article 3, Division 1, by adding new Section 83.0111; by amending Section 83.0126; by renumbering Section 83.0127 to 83.0128; by adding new Section 83.0127; by renumbering and amending existing Section 83.0128 to Section 83.0129; and by renumbering Sections 83.0129, 83.0130, 83.0131; 83.0132, 83.0133, 83.0134, respectively to Sections 83.0130, 83.0131, 83.0132, 83.0133, 83.0134, and 83.0135.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/17/02, LU&H voted 5 to 0 to:

- A. Forward the item to the City Council with no position on the City Manager's recommendation #1. The report to City Council should include information regarding limiting the number of mini-cab permits, consideration of a shorter pilot program, a comparison of other cities' regulations, and an evaluation of the need for mini-cabs

conducted in a manner similar to the evaluations the Metropolitan Transit Development Board makes regarding tax medallions.

B. Approve the City Manager's recommendations #2-5.

(Councilmembers Peters, Wear, Stevens, Maienschein, and Frye voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:49 p.m. - 3:00 p.m.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE WITH DIRECTION FROM COUNCIL MEMBER ZUCCHET THAT THE CITY ATTORNEY INCORPORATE IN THE ORDINANCE THE WORDS "CONTRIBUTE TO THE DESTRUCTION OF" OR "DAMAGE TO PUBLIC PROPERTY", AND REQUEST THAT THE REPERCUSSIONS FOR SUCH VIOLATION ALSO BE STATED.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Regulation of Short-Ride Neighborhood Transportation Vehicles (SRNTs).

(See City Manager Reports CMR-03-021 and CMR-03-068 (this report was not available at Committee); letters from citizens.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2003-149) RETURNED TO THE CITY MANAGER WITH
DIRECTION

Introduction of an Ordinance amending the San Diego Municipal Code by amending the title of Chapter VIII, by adding New Division 3 Titled "Short-Ride Neighborhood Transportation Vehicles for Hire," and by adding New Sections 83.0301, 83.0302, 83.0303, 83.0304, 83.0305, 83.0306, 83.0307, 83.0308, 83.0309, 83.0310,

83.0311, 83.0312, 83.0313, 83.0314, 83.0315, 83.0316, 83.0317, 83.0318,
83.0319, 83.0320, 83.0321, 83.0322, 83.0323, 83.0324, 83.0325, 83.0326,
83.0327, 83.0328, 83.0329, 83.0330, 83.0331, 83.0332, and 83.0333.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/12/2003, LU&H voted 4 to 1 to: a) direct the City Manager to establish a 12-month pilot program for the regulation of SRNTs and to work closely with the Metropolitan Transit Development Board (MTDB) during the time to develop an MTDB ordinance that will regulate SRNTs; b) restrict the geographic boundaries of SRNT operation to the Centre City Development Corporation and downtown waterfront areas; and c) direct the City Attorney to ensure SRNTs are in compliance with the Americans with Disabilities Act. The issue regarding the maximum number of operating permits per company as well as the possible extension of the geographic boundaries to include communities such as La Jolla was deferred for discussion at City Council.

(Councilmembers Peters, Zucchet, Atkins, and Frye voted yea. Councilmember Lewis voted nay.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 3:12 p.m. - 5:37 p.m.)

MOTION BY INZUNZA TO RETURN THE ORDINANCE TO THE CITY MANAGER WITH THE DIRECTION TO REFER THIS ITEM TO METROPOLITAN TRANSIT DEVELOPMENT BOARD WITH THE INSTRUCTION TO PLACE MINI CABS IN A SEPARATE CLASSIFICATION WHILE IMPLEMENTING THE REGULATIONS CLOSELY ASSOCIATED TO TAXI CABS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:38 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:38 p.m.)